

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : John Underwood
Serial No. : 09/651,907
U.S. Patent No. 7,886,221
Filed : August 30, 2000
For : METHOD AND APPARATUS FOR STORING WEB SITE
DATA BY WEB SITE DIMENSIONS AND GENERATING A
WEB SITE HAVING COMPLEMENTARY ELEMENTS
Examiner : Joshua D. Campbell
Art Unit : 2178

PETITION TO EXPUNGE UNDER 37 CFR §1.59

Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

SIR:

The Applicant hereby petitions to expunge information from the prosecution history of the above-captioned matter 37 CFR §1.59. Applicant submits herewith an electronic payment in the amount of \$200. as payment of the fee under 37 CFR 1.17(g). Applicant submits that the expungement of the information is appropriate since it is not accurate.

Applicant requests the following information be expunged from the above-captioned matter:

1. Petition to Accord Application Status Under 37 CFR 1.47(a) filed on October 1, 2012 and the associated attachments;
 2. Decision on Petition mailed on December 14, 2010;
 3. Request For Reconsideration of Petition Under 37 CFR 1.47(a) and 37 CFR 1.183 To Waive 37 CFR 1.63 and 1.67 filed on April 14, 2011 and the associated attachments;
- and

4. Decision on Petition mailed April 22, 2011.

The reason for this request to expunge is that the aforementioned Petitions and Decisions relate to the inventorship status of Andrew Dean. Andrew Dean was believed to have been omitted as an inventor. However, a recently identified Declaration, executed by Andrew Dean on February 14, 2001, declares that he is **not** an inventor.

Based on a review of the present application file by the undersigned attorney, it appeared that Andrew Dean was omitted as an inventor. The reason for the misunderstanding being that an unexecuted copy of a declaration included Andrew Dean as an inventor, while the executed copy of the declaration did not include Andrew Dean (copies enclosed in the aforementioned Petition). An attempt was made to locate each of the inventors, however, the only inventor that could be found was Gary Evesson.

Based on the documents in the present file, the undersigned attorney was under the impression that Andrew Dean was erroneously omitted from the executed declaration, which was drafted by a previous attorney.

Applicant's attorney filed the above-mentioned Petitions to add Andrew Dean to the present application as a non-signing inventor. (Andrew Dean is unable to be located.) However, upon recent review of a related application (09/652,612, now U.S. Patent 7,152,207), which is based from the same two provisional applications (60/163,782 filed November 5, 1999 and 60/184,300, filed February 23, 2000) the under-signed attorney found a Declaration (copy attached) executed by Andrew Dean on February 14, 2011, stating that he is **not** an inventor of the related application (09/652,612).

Therefore, since the '612 application derives from the same provisional applications, it is now believed that the executed declaration in the present application file, which does not include Andrew Dean as an inventor, is correct.

Applicant respectfully requests the aforementioned four items be expunged from the present application file.

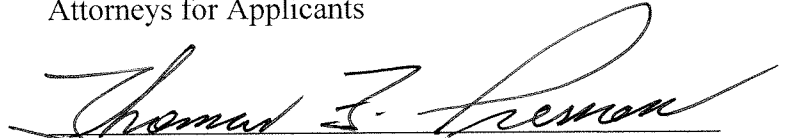
The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and that these

statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

The Commissioner is hereby authorized to charge any additionally required fees or credit any overpayment in fees occasioned by this paper to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

A handwritten signature in black ink, appearing to read "Thomas F. Presson", is written over a horizontal line.

Thomas F. Presson
Reg. No. 41,442
Tel. No. (212) 588-0800
Fax No. (212) 588-0500

Attachments:

1. Interview Summary and Declaration Transmittal with Declaration by Andrew Dean and Express mail label

Serial No. 09/652,612 File # 730305-2014 By PRLW
 Title in the Matter of the Application of METHOD AND APPARATUS FOR GENERATING ...
 Applicant(s)/Inventor(s) UNDERWOOD ET AL.
 The following due N/A in the U.S. Patent Office, was received in the Patent Office
☐ Affidavit ☒ Declaration ☒ Express Mail Mailing Label # EV 895518639 6
☐ Amendment ☐ (separate sheet)
☐ Preliminary Amendment ☐ Check No. _____ for \$ _____
☐ Amendment After Final Rejection ☐ Amex Payment No. _____ for \$ _____
☐ Request for Extension of Time ☐ Deposit Account Order Form
☐ Provisional Patent Application ☐ Drawing _____ Sheet(s)
☐ Application for Patent, including ☐ Information Disclosure Statement
 _____ Pages Specification _____ Claims _____ Abstract ☐ PTO Form 1449
☒ Declaration ☐ Oath ☐ Power ☐ Issue Fee/Publication Fee Transmittal
☐ Request for Filing Continuation or Divisional ☐ Appeal Brief (triplicate) ☐ Letter
☐ Application _____ sheets ☐ Application for TM Registration
☐ PCT Request _____ sheets, including Including _____ Specimens
☒ Transmittal Letter ☐ Status Request ☐ Notice of Appeal (triplicate)
☐ Request for Continued Exam (RCE) ☐ Petition ☐ Response
☐ Assignment ☐ Recordation Cover Sheet ☐ Priority Document ☐ Statement of Use
☐ Amendment Fee Transmittal ☐ Response to Examiner's Statement
☐ Claim of Priority ☐ Search Report
☐ Request for Approval of Drawings ☐ Response to Notice to File Missing Parts
☐ Diskette with Sequence Listing ☐ _____

VIA EXPRESS MAIL 7.26.2006



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FROM: (PLEASE PRINT) <u>PETER WITHSTANDLEY</u> FRONMER LAWRENCE & HAUG, LLP 745 5TH AVE FL 10 NEW YORK <u>NY 10151-0099</u> PHONE <u>212 588 0800</u> <u>730305-2014</u>				TO: (PLEASE PRINT) <u>MAIL STOP AT</u> <u>COMMISSIONER FOR PATENTS</u> <u>P.O. Box 1450</u> <u>ALEXANDRIA, VA 22313-1450</u> PHONE ()			

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59

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John UNDERWOOD et al.
Serial No. : 09/652,612
For : METHOD AND APPARATUS FOR PROVIDING
CONDITIONAL CUSTOMIZATION FOR
GENERATING A WEB SITE
Filed : August 30, 2000
Examiner : Matthew J. Ludwig
Art Unit : 2178

745 Fifth Avenue
New York, NY 10151

EXPRESS MAIL


Mailing Label Number: EV 895518639 US

Date of Deposit: July 26, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop AF Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PETER WITHSTANDLEY

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

INTERVIEW SUMMARY AND DECLARATION TRANSMITTAL

Mail Stop AF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

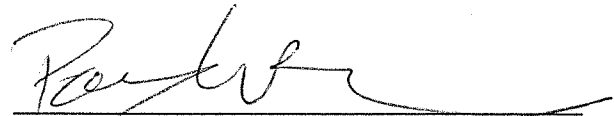
Dear Sir:

Applicants wish to thank the Examiner for taking the time to speak with applicants' representative, Peter Withstandley on July 19, 2006 regarding the pending issuance of a patent in the above-identified application. Examiner Ludwig indicated that in order for issuance to move forward, applicants should file a copy of a declaration of Mr. Andrew Dean disclaiming his

inventorship of the subject matter of the present application.

Accordingly, applicants hereby file a declaration of Andrew Dean. Applicants believe this puts the present application in position for issuance of a patent.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

A handwritten signature in black ink, appearing to read "Peter Withstandley", written over a horizontal line.

Peter Withstandley
Reg. No. 53,784
(212) 588-0800

DECLARATION

FROMMER LAWRENCE & HAUG LLP

File No.: 730301-2014

I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am not an original, first and/or joint inventor of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED: METHOD AND APPARATUS FOR PROVIDING CONDITIONAL CUSTOMIZATION FOR GENERATING A WEB SITE , or any subject matter included in the specification which ☐ is attached hereto ☒ was filed on August 30, 2000 as ☒ United States ☐ PCT Application No. 09/652,612, with amendments through Preliminary Amendment dated October 26, 2000 (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: _____

Date: _____

Full name:

Andrew DEAN

Residence:

10 E. 29th Street, Apt. 37F,
New York, NY 10016

Citizenship:

Australia

CHRISTINE L. IGOE
Notary Public, State of New York
No. 4924589
Qualified in Queens County
Commission Expires May 9, 2001